

Exhibit 5

No. D054989

**IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE**

VICTOR E. WILLIS

Petitioner,

v.

SIXUVUS, LTD

Respondent.

**Appeal from the Superior Court for San Diego County
Honorable John S. Meyer
Case No. 37-2008-0098508-CU-BT-CTL**

**APPELLANT'S APPENDIX IN LIEU OF CLERK'S TRANSCRIPT
(VOL. 1—Pages 1-292)**

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6
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F I L E D
Clerk of the Superior Court

DEC 30 2008

By: P. WOODS, Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION
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11 SIXUVUS, Ltd., a New York limited liability
company,

12 Plaintiff,

13 v.

14 VICTOR WILLIS, an individual;

15 Defendant.
16
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Case No. 37-2008-98508-CU-BT-CTL

**DECLARATION OF HENRI BELOLO IN
SUPPORT OF PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE: PRELIMINARY
INJUNCTION**

Date: December 31, 2008
Time: 9:00 a.m.
Judge: Hon. Ronald L. Styn
Dept.: 62

18
19 I, Henri Belolo, declare and state as follows:

20 1. I am the managing director of Can't Stop Productions, Inc. ("CSP"). I have personal
21 knowledge of the matters set forth herein and, if called as a witness, could and would testify
22 competently to the following.

23 2. In the late 1970's, CSP formed a singing and performing act called the Village People
24 comprised of six performers representing various American social and professional groups.

25 3. CSP is the worldwide owner of the mark the "Village People," as well as of the
26 distinctive characters who are portrayed as part of the group which performs under that name.

27 4. Victor Willis, the defendant in this action, was retained by CSP as a contract performer
28 in 1977 to perform with the Village People. Victor Willis signed a contract with CSP dated June 17,

1 1977. A true and accurate copy of the June 17, 1977 Agreement is attached hereto as Exhibit A.

2 5. In Paragraph 4 of the June 17, 1977 Agreement, Victor Willis granted CSP and its
3 licensees the unrestricted right to use his:

4 name, likeness and biographical material in connection with the manufacture,
5 distribution, sale, promotion and exploitation of each such Album as aforesaid and you
6 hereby acknowledge and agree that you shall have no rights of any nature whatsoever
in and to the name "VILLAGE PEOPLE" or any name similar thereto in connection
with the entertainment industry.

7 6. On October 14, 1977, CSP and Victor Willis entered into another contract that engaged
8 his services as a performer and musician in motion pictures, filmed and live television, radio, stage,
9 and personal appearances. A true and accurate copy of the October 14, 1977 Agreement is attached
10 hereto as Exhibit B.

11 7. In Paragraph 3(a) of the October 14, 1977 Agreement, Victor Willis acknowledged that
12 he:

13 shall not have any property or proprietary interests or rights of any nature or kind
14 whatsoever in and to [the Village People] name, and that for all purposes, the
15 ownership of and all rights in and to said name shall be and remain the sole and
separate property of [CSP].

16 8. Victor Willis ceased performing with the Village People in 1982.

17 9. Sixuvus, Ltd. is the owner of a license granted by CSP that allows Sixuvus to use the
18 Village People name and characters in performances and appearances in the United States and
19 throughout the world.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct and that this declaration was executed on this 21st day of December, 2008, in

22 PARIS, France.

23 
24 Henri Belolo

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